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8 Officer E. Slusser, Officer R. Hertman, Officer
S. McHunting, and Officer W. Partridge
9

10 **SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **COUNTY OF COCHISE**

12 ELI DALTON-WEBB,

13 Plaintiff,

14 v.

15 CITY OF SIERRA VISTA, a municipal
corporation in Arizona, OFFICER E.
16 SLUSSER, R. HERTMAN, OFFICER S.
MCHUNTING, M. PARTIDGE, peace
17 officers of the Sierra Vista Police Department,

18 Defendants.
19

NO. S0200CV202400628

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S SUPPLEMENTAL
APPLICATION FOR FEE WAIVER**

(Assigned to the Honorable David Thorn)

20 Defendant City of Sierra Vista ("Defendant") responds in opposition to Plaintiff Eli
21 Dalton-Webb's ("Plaintiff") Supplemental Application for Fee Waiver ("Application"). On
22 March 21, 2025, Plaintiff filed a notice of appeal in this case, appealing this Court's February 28,
23

1 2025 Judgment dismissing Plaintiff's Complaint with prejudice. Plaintiff's appeal (No. 2 CA-CV
2 2025-0136) is currently pending in the Arizona Court of Appeals.

3 With the filing of the notice of appeal, this Court was divested of jurisdiction to rule
4 on Plaintiff's Application. *See Gish v. Greyson*, 253 Ariz. 437 ¶ 22 (App. 2022) ("Generally, filing
5 a notice of appeal divests the trial court of jurisdiction to proceed other than to issue orders to
6 further the appeal and address matters unrelated to the appeal."); *Matter of Condry's Estate*, 117
7 Ariz. 566, 568 (App. 1977) (once an appeal is perfected, the superior court no longer has
8 jurisdiction to consider a Rule 60(c) motion); *see also Davis v. Kleindienst*, 64 Ariz. 67, 69 (1946)
9 (appellant perfects appeal "merely by filing his notice of appeal"). This Court therefore lacks
10 jurisdiction to rule on Plaintiff's Application or any other motions that Plaintiff may file.

11 Accordingly, the Court should abstain from making any ruling on Plaintiff's
12 Application or any other motions that Plaintiff may file until such time as the Mandate is issued
13 by the Court of Appeals returning jurisdiction back to this Court from the currently pending
14 appeal. *See* ARCAP 24.

15
16 RESPECTFULLY SUBMITTED this 9th day of December, 2025.

17 JONES, SKELTON & HOCHULI P.L.C.
18

19 By /s/ Luan Gurra

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ORIGINAL of the foregoing electronically filed
this 9th day of December, 2025.

COPY of the foregoing mailed and emailed
this 9th day of December, 2025, to:

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Plaintiff, in Pro Per

/s/ *Kami Ellison*